

REMARKS/ARGUMENTS

Claims 1 -3, 5 -12, 14 and 16 - 20 remain in this application. Claims 4, 13 and 15 have been canceled.

In response to the Office Action of March 24, 2005 Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejections under 35 USC 102(b)

Claims 1 - 13, and 16 - 20 stand rejected as anticipated by Endres et al. Claims 1, 11 and 16 have been amended to clarify the structure and operation of the lift system of this invention. One of the important features of this invention is the provision of a component of the system in a position to relate the water line of the vessel, in the cradle, with the changing surface of the water. By using this relationship, the instant invention compensates for the two moving elements in the system, i.e., the boat or cradle and the surface of the water. As amended, claim 1 and dependent claims 2 - 10 distinguish over the disclosure of the Endres et al patent. Endres et al has no component aligned with the water line of the vessel and movable with the cradle. Therefore, the reference cannot anticipate the claims.

The operation of the Endres device requires a computer or EPROM which is not necessary in the present invention. The Endres chip is programmed to move the cradle to pre-programmed levels.

See lines 65 - 68, col. 6 through lines 1 - 3, col 7 of Endres et al. If the Up button is pushed the cradle rises to the next pre-programmed level. If the Down button is pushed the cradle descends to the next pre-programmed level. The program does not have the ability to decide whether to move up or down based on the location of the water line of the boat and the surface of the water or the status of the storage limit switch. There is nothing on the Endres et al cradle to control the level of the vessel or cradle in relation to the water surface.

The method steps recited in the instant claims are not inherent in the Endres et al device for the same reasons that the Endres et al structure does not anticipate the claimed structure.

Rejection under 35 USC 103(a)

Claims 14 and 15 stand rejected as obvious in view of Endres et al and the Examiner's assertion that certain devices would be obvious to one of ordinary skill in the art. Claim 15 has been canceled. With regard to claim 14, the Endres et al patent does not disclose the claimed elements of the parent claim 11 upon which claim 14 depends. Therefore, the reference does not form the proper basis for a rejection of claim 14.

SUMMARY

In light of the foregoing remarks and amendment to the claims,

it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "C. Fred Rosenbaum", with a long horizontal flourish extending to the right.

C. Fred Rosenbaum

Registration # 27110

McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, FL 33410
(561) 625-6575 (Voice)
(561) 625-6572 (Fax)